

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3145 OF 2005

B-1, Vikas Complex Co-op.Hsg.Society
and Others. ..Petitioners.

Versus

M/s. Loonkar Associates & Ors. ..Respondents.

Mr. R.S.Datar for the Petitioners.

Mr. P.K.Dhakephalkar with Sachin Dhakephalkar i/by

M/s. L.D. Shah & Co. for Respondents 1 to 3.

CORAM : S. A. BOBDE, J.

DATED : 05TH JULY, 2005.

P.C.:

1. Rule. Rule made returnable forthwith. Mr. Dhakephalkar waives notice for Respondents. Heard by consent.

2. The petitioner - B-1 Vikas Complex Co-operative Housing Society and other members thereof have challenged the order below Exh. 45 dated 14.03.2005, refusing permission to them to implead the

Federation of Vikas Complex Co-op. Hsg. Society Ltd., as a plaintiff.

3. Peculiarly there is no application by the Federation of Vikas Complex Co-operative Housing Society to join it as a plaintiff. It appears that the petitioner is interested in joining the Federation as another plaintiff though the Federation itself has not approached the court for such impleadment. This application, therefore, has been rejected.

4. More over the trial court has observed that the petitioner has reserved right under Order 2, Rule 2 to file another suit in relation to the subject matter of the present suit. Having regard to that, the learned trial court has observed that it would cause no prejudice, if the federation is not impleaded in the present suit. In the circumstances, there is no warrant for interference with the impugned order. The petition is dismissed with cost. Time to decide the suit is extended by 10th August, 2005 on or before which the learned trial court shall dispose of the suit. This order shall not affect the decision of the suit on merits.

05.07.2005

(S.A.BOBDE, J.)

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